

Senate File 170

S-3040

1 Amend Senate File 170 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 8A.311, Code 2013, is amended  
5 by adding the following new subsections:

6 NEW SUBSECTION. 12A. *a.* If the lowest responsive  
7 bid received by the state for products or other  
8 purchases is from an out-of-state business and totals  
9 less than five hundred thousand dollars, and an  
10 Iowa-based business submitted a bid which is within  
11 five percent or ten thousand dollars of the price of  
12 the lowest bid, whichever is less, the Iowa-based  
13 business which submitted the lowest responsive bid  
14 shall be notified and shall be allowed to match the  
15 lowest bid before a contract is awarded.

16 *b.* This subsection does not apply to a request  
17 for bids or proposals for products or other purchases  
18 associated with the following:

- 19 (1) Road or bridge construction or repair.  
20 (2) Architectural or engineering services.

21 *c.* This subsection does not apply to procurement of  
22 or for public improvement projects.

23 *d.* This subsection does not apply when such  
24 applicability would cause the same preference to be  
25 applied under the laws of another state against an  
26 Iowa-based business participating in a competitive  
27 bidding process in such state.

28 *e.* For purposes of this subsection:

29 (1) "*Iowa-based business*" means an entity that has  
30 its principal place of business in Iowa.

31 (2) "*Public improvement*" means a building or  
32 construction work which is constructed under the  
33 control of a governmental entity and is paid for in  
34 whole or in part with funds of the governmental entity,  
35 including a building or improvement constructed or  
36 operated jointly with any other public or private  
37 agency, and including a highway, bridge, or culvert  
38 project, but excluding emergency work or repair or  
39 maintenance work performed by state employees.

40 NEW SUBSECTION. 12B. *a.* A response to a request  
41 for bids or proposals for products or other purchases  
42 by the state which totals less than five hundred  
43 thousand dollars in value shall contain the following  
44 information:

45 (1) The percentage of the ownership of the  
46 submitting business which is held by Iowa residents.

47 (2) The percentage of the employees who will be  
48 carrying out work in connection with the contract  
49 who are Iowa residents. For the purposes of this  
50 paragraph, "*employee*" includes part-time, temporary,

1 contract, and substitute employees, and includes  
2 employees of any contractors or subcontractors.

3 (3) An estimate of the percentage of purchases  
4 to be made by the submitting business in connection  
5 with the contract that will be made from Iowa-based  
6 businesses.

7 (4) Documentation showing that the submitting  
8 business paid taxes, as defined in section 445.1, in  
9 this state during the most recently completed fiscal  
10 year for which such documentation is available.

11 *b.* This subsection does not apply to a request  
12 for bids or proposals for products or other purchases  
13 associated with the following:

14 (1) Road or bridge construction or repair.

15 (2) Architectural or engineering services.

16 *c.* This subsection does not apply to procurement of  
17 or for public improvement projects.

18 *d.* This subsection does not apply when such  
19 applicability would cause the same preference to be  
20 applied under the laws of another state against an  
21 Iowa-based business participating in a competitive  
22 bidding process in such state.

23 *e.* For purposes of this subsection:

24 (1) "*Iowa-based business*" means an entity that has  
25 its principal place of business in Iowa.

26 (2) "*Public improvement*" means a building or  
27 construction work which is constructed under the  
28 control of a governmental entity and is paid for in  
29 whole or in part with funds of the governmental entity,  
30 including a building or improvement constructed or  
31 operated jointly with any other public or private  
32 agency, and including a highway, bridge, or culvert  
33 project, but excluding emergency work or repair or  
34 maintenance work performed by state employees.>

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CHARLES SCHNEIDER